

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
AT ERIE**

|                                       |   |                                    |
|---------------------------------------|---|------------------------------------|
| DAVID V. JORDAN ,                     | ) |                                    |
|                                       | ) |                                    |
|                                       | ) |                                    |
| <i>Plaintiff,</i>                     | ) | Civil Action No. 1:15-cv-313 (BJR) |
|                                       | ) |                                    |
| v.                                    | ) |                                    |
|                                       | ) | ORDER                              |
|                                       | ) |                                    |
| UNIT MANAGER BERTOLINI, <i>et al.</i> | ) |                                    |
|                                       | ) |                                    |
| <i>Defendants.</i>                    | ) |                                    |
|                                       | ) |                                    |
| _____                                 | ) |                                    |


**ORDER ADOPTING REPORT AND RECOMMENDATION**

The Court, having considered the Report and Recommendation of Magistrate Judge Susan Paradise Baxter, and the balance of record, **HEREBY ORDERS:**

- (1) The Court **ADOPTS** the Report and Recommendation.
- (2) Defendants' Motion to Dismiss is **DENIED**.
- (3) The Clerk shall send copies of this Order to the parties.

**IT IS SO ORDERED.**

DATED this 2nd day of March, 2017.

  
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BARBARA J. ROTHSTEIN  
UNITED STATES DISTRICT JUDGE